

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Shawn Howard,

Case No. 3:18-cv-303

Plaintiff

v.

MEMORANDUM OPINION

Commissioner of Social Security,

Defendant

Before me is the Report and Recommendation of Magistrate Judge William H. Baughman, Jr., filed on December 7, 2018, in the above-entitled action. (Doc. No. 18). Under the relevant statute:

Within [fourteen (14)] days after being served a copy of these proposed Findings and Recommendation, any party who wishes to object must file and serve written objections or further appeal is waived.

United States v. Campbell, 261 F.3d 628, 631-32 (6th Cir. 2001) (citation omitted); *see also* 28 U.S.C. § 636(b)(1) (effective Dec. 1, 2009); Fed. R. Civ. P. 72(b)(2). In this case, the fourteen-day period has elapsed, and the Commissioner indicates she will not be filing objections. (Doc. No. 19).

Following review of Judge Baughman's Report and Recommendation, I adopt it in its entirety as the Order of the Court. I agree the Administrative Law Judge failed to properly apply the treating physician rule and reached a decision that was not supported by substantial evidence. Therefore, the Commissioner's decision is vacated, and the matter remanded for further proceedings.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge